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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,054	01/14/2002	Pekka Koivukunnas	33047/242570	3510
826	7590 03/13/2003			
ALSTON &			EXAM	EXAMINER HASTINGS, KAREN M
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000  HASTINGS, KAREN			KAREN M	
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			1731	
			DATE MAILED: 03/13/2003	}
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.   Applicant(s)   KOIVUKUNNQS et a
omoo Addon Gammary	Examiner Group Art Unit
—The MAILING DATE of this communication appe	ars on the cover sheet beneath the correspondence address—
Period for Reply	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET OF THIS COMMUNICATION.	TO EXPIRE MONTH(S) FROM THE MAILING DATE
from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, such period shall, by defau	t 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS reply within the statutory minimum of thirty (30) days will be considered timely. It, expire SIX (6) MONTHS from the mailing date of this communication attute, cause the application to become ABANDONED (35 U.S.C. § 133).
Status	
Responsive to communication(s) filed on	2682
☐ This action is <b>FINAL</b> .	
☐ Since this application is in condition for allowance excel accordance with the practice under <i>Ex parte Quayle</i> , 19	ot for formal matters, <b>prosecution as to the merits is closed</b> in 135 C.D. 1 1; 453 O.G. 213.
Disposition of Claims	
Claim(s)	is/are pending in the application.
Of the above claim(s)	is/are withdrawn from consideration.
□ Claim(s)	is/are allowed.
Claim(s)	is/are rejected.
Claim(s)	
□ Claim(s)	is/are objected to.
□ Claim(s)	is/are objected to.
☐ Claim(s)————————————————————————————————————	is/are objected to.  are subject to restriction or election requirement.
<ul> <li>□ Claim(s)</li> <li>□ Claim(s)</li> <li>Application Papers</li> <li>□ See the attached Notice of Draftsperson's Patent Draw</li> </ul>	is/are objected to.  are subject to restriction or election requirement.  Ing Review, PTO-948.
<ul> <li>□ Claim(s)</li> <li>□ Claim(s)</li> <li>Application Papers</li> <li>□ See the attached Notice of Draftsperson's Patent Draw</li> <li>□ The proposed drawing correction, filed on</li> </ul>	is/are objected to.  are subject to restriction or election requirement.  ing Review, PTO-948.  is □ approved □ disapproved.
<ul> <li>□ Claim(s)</li> <li>□ Claim(s)</li> <li>Application Papers</li> <li>□ See the attached Notice of Draftsperson's Patent Draw</li> </ul>	is/are objected to.  are subject to restriction or election requirement.  ing Review, PTO-948.  is □ approved □ disapproved.
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U. S. Patent and Trademark Office PTO-326 (Rev. 9-97)

Part of Paper No.

Serial No. 10/047,054

Art Unit 1731

Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The claims are unclear and indefinite in that it is not clear that the arrangement is in a paper machine and the recitations relating the surface extending over the whole width of the paper web are merely intended use without positively claiming in a paper machine. It is suggested that claim 1 line 1 --in a paper machine-- be inserted after "an arrangement".

Furthermore, the specification at page 3 second paragraph in describing the essential idea of the invention defines the support surface as &unmoving . This should be reflected in the claims; that is, on line 4 of claim 1 change "a" to --an unmoving -- in order to be clear and commensurate in scope with the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-6, 9, 11 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hujer et al. or Lucas et al.

Each of Hujer et al. and Lucas et al. teaches a sensor/measuring means for a paper web with a curved plane-like

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support surface for supporting the paper web, with the measuring means arranged to measure properties through an opening in the support surface. See Fig 1-3, abstract and col 3 line 58 to col 4 line 30 of Hujer; Fig 1 and abstract of Lucas.

Since claim 1 is not positively claimed in combination with a paper machine, the recitation that the support surface extends over the whole width of the paper web is merely intended use. Further either of Lucas or Hujer et al. could extend, that is, are capable of extending, over the whole width of a paper web/strip in use.

But again, the examnier's position is that the width of the paper web is not a material apparatus limitation in the claims as now worded.

Any differences that may be gleaned over the present claim language are deemed to be *prima facie* obvious modifications.

Claims 1, 2, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hultcrantz et al.

Hultcrantz et al. teaches a support strip with at least one through opening to expose the paper web to a measurement means etc. Hultcrantz et al.'s support strip is a continuous flexible strip that extends across the entire width of the paper web. The

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support strip may be wound and unwound for displacement. See e.g. abstract and Figure 3.

However the claims as worded do not define over this reference since a \*plane-like support surface\* as claimed reads on a continuous tensioned flexible support strip as taught in Hultcrantz. Note for example the claims do NOT specify that the plane-like support surface is unmoving in order to distinguish over this reference.

Any differences that may be gleaned over the present claim language are deemed to be *prima facie* obvious modifications.

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hujer et al. or Lucas et al. or Hultcrantz et al.

These references are applied as above. In addition the dependent claims not addressed above merely define known technical features and options for measuring to one of ordinary skill in the art and as such would have been <a href="mailto:prima\_facie">prima\_facie</a> obvious modifications of these references.

At least claims 1, 2, 5,8, 9 and 14 are rejected under 35

U.S.C. 102(b) as anticipated by or, in the alternative, under 35

U.S.C. 103(a) as obvious over Breyer.

Breyer teaches a support with at least one through opening to expose a traveling web to a measurement means etc. (E.g.,

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measurement tubes 10). Breyer's measurement device/support extends across the entire width of the web. See Figure 1,3,4. Breyer is measuring an impermeable web as opposed to a paper web. However, the claims do not structurally distinguish thereover since as worded the use of the arrangement on a paper web is merely an intended use without positively claiming that the arrangement is in a paper machine.

## Indication of Allowable Subject Matter:

If applicants amended claim 1 to clearly define that the arrangement is --in a paper making machine-- and that the plane-like support surface is -- unmoving-- and extending across the whole width of the paper web in the machine, as set forth in their specification, then such a claim would be allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number, is (703) 308-0651.

Karen M. Hastings

3/03

Senior Primary Examiner

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KMH/cdc March 6, 2003